

Amendment No. 1 to HB0105

Odom
Signature of Sponsor

AMEND Senate Bill No. 1879

House Bill No. 105*

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

By deleting all of the language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-221-409, is amended by designating the present language as subsection (a) and by adding the following language as new subsection (b):

(b) To be eligible for approval by the department pursuant to this part as a soil consultant or a person who may perform a percolation test, or for a permit as an installer of subsurface sewage disposal systems, any person shall file with the commissioner a cash, surety or property bond or an irrevocable letter of credit in the amount of thirty thousand dollars (\$30,000), or proof of liability insurance coverage in an amount no less than five hundred thousand dollars (\$500,000), for the benefit of any person who hires the soil consultant, percolation tester or installer and is damaged because of any negligence or fraud by the soil consultant, percolation tester or installer. Any person so damaged may sue directly on the bond without assignment thereof. The bond may not be construed to require any surety to be responsible for the completion of work under any contract entered into by the principal on the bond. The liability of the surety under any bond may not exceed in the aggregate the amount of the bond. If the bond ceases to be in effect, the approval of the soil consultant or the percolation tester or the permit of the installer shall become null and void, subject to reinstatement if a new bond is provided.

SECTION 2. Tennessee Code Annotated, Section 68-221-409, is amended by adding the following language at the end of the existing language:

The department shall review its list of approved soil consultants at least annually to ensure compliance with applicable requirements including the bond requirement of subsection (b) and may promulgate rules setting forth the process for such review and an annual fee sufficient to cover the costs involved.

SECTION 3. This act shall take effect January 1, 2006, the public welfare requiring it.